REMARKS

The issue that remains in this case is whether the cited Zigmond reference teaches a so-called advertising repository that also stores the programming feed or content. Certainly, this seems improbable from Figure 5 which is the figure related to the material cited in the office action at column 15, lines 24-34.

There, the figure shows an ad insertion device 80 that receives an ad delivery, as indicated by the left to right arrow at the upper left corner of the figure. The ad delivery is received by an ad filter 84 that passes the advertisements to an advertisement repository 86. From the advertisement repository, the advertisements go to a video switch 90. The video switch 90 also receives the programming delivery, namely, the content or a programming feed and selects one or the other to output to the display 58. Thus, the difficult question raised by the rejection is how does the programming get into the advertisement repository 86 if the office action is correct? This would seem to go against everything shown in the figure.

The contrary position is supported, according to the office action, by the language in column 15. However, column 15 is explicit that the advertising repository 86 "contains a cache of delivered advertisements." See column 15, lines 24 and 25. Moreover, the advertisement repository is a means "for storing a plurality of advertisements." See column 15, lines 26 and 27.

In the material relied on by the Examiner, the applicant is apparently trying to explain what type of cache is used as the advertisement repository for storing advertisements. It is respectfully submitted that, in view of the above, it is not reasonable to interpret the language that the type of storage is one that is capable of storing video programming indicates that somehow, contrary to everything else in the application, the content is stored in the so-called advertisement repository. To the contrary, the language clearly indicates that the advertisement repository stores advertisements, but it is a computer readable medium "capable of storing digitally encoded video programming." This does not mean that it stores the programming feed, which would make no sense and is inconsistent with everything else in the patent. Instead, all it means is that the storage medium for the advertisement should be the kind of storage medium used to store video. Presumably, that is because advertisements that are inserted into video programming are generally video themselves.

Further, it is explained in column 15, at lines 31-33, that the advertisement repository may also constitute magnetic video tape or other recording medium for storing an analog version of the video programming feed. Again, it makes no sense to interpret this literally since there is no way for the programming feed to get into the advertisement repository. Moreover, it would be odd to call it an advertisement repository if it actually stores everything, including things other than advertisements.
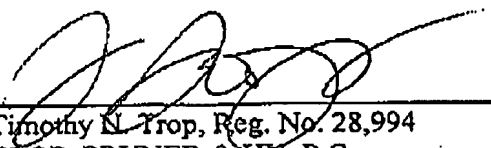
Most disconcerting is the fact that, if the advertisement and the programming feed is already in the advertisement repository, why is there also a programming delivery arrow extending left to right to the video switch in Figure 5? The video switch apparently selects between the advertisement repository 86 and the programming delivery for output to the display 58. See column 16, lines 20-21.

The language "capable of storing the programming feed" does not mean that the advertising repository actually stores the programming feed. While the cache may be the type of media capable of storing any video, it would make no sense that the advertisement repository already has the advertisement and the programming feed and then for some reason the video switch selects between the material coming from the advertising repository (that already includes the programming feed) and an independent source of the programming feed (as indicated by the arrow to the left of the video switch in Figure 5). It is respectfully submitted that there is simply no possible way that the reference teaches such a system or that such a system would make any sense.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

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8